

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:12-HC-2092

UNITED STATES OF AMERICA,)	
)	
Petitioner,)	
)	
v.)	CERTIFICATION OF A
)	SEXUALLY DANGEROUS PERSON
JAMES PIERRO,)	
Register Number 26029-050,)	
)	
Respondent.)	

The United States of America, by and through the United States Attorney for the Eastern District of North Carolina, hereby submits the attached Certification of a Sexually Dangerous Person pursuant to Title 18 U.S.C. § 4248(a).

Respectfully submitted, this 10th day of April, 2012.

THOMAS G. WALKER
United States Attorney

By: /s/ Matthew L. Fesak
MATTHEW L. FESAK
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Attorney for Petitioner
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N.C. Bar # 35276

CERTIFICATE OF SERVICE

This is to certify that I have this 10th day of April, 2012, served a copy of the foregoing upon the Respondent in this action by placing the documents in an envelope marked as stated below, and placing the envelope in the U.S. mail for delivery to:

JAMES PIERRO
Reg. No. 26029-050
FCI Butner
P.O. Box 1000
Butner, NC 27509

and on the same day served a copy of the foregoing by placing a copy in the U.S. Mail, addressed as follows:

Office of the Federal Public Defender
150 Fayetteville Street Mall
Suite 450
Raleigh, North Carolina 27601

/s/ Matthew L. Fesak
MATTHEW L. FESAK
Assistant U.S. Attorney
Attorney for Petitioner
U.S. Attorney's Office
Civil Division
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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
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No. 5:12-HC-2092

UNITED STATES OF AMERICA,)	
)	
Petitioner,)	
)	
v.)	ORDER
)	
JAMES PIERRO,)	
Register Number 26029-050,)	
)	
Respondent.)	

At the request of the Director of the Bureau of Prisons, the government has filed a Certification of a Sexually Dangerous Person pursuant to 18 U.S.C. § 4248, in order for this Court to hold a hearing to determine whether the Respondent is a sexually dangerous person as defined by 18 U.S.C. § 4247(a)(5).

Respondent, having demonstrated eligibility for appointment of counsel at government expense, the Federal Public Defender IS DIRECTED to provide representation in this action.

The Court further determines that the Respondent is unable to pay the fees of any witness, and pursuant to Federal Rule of Criminal Procedure 17(b) the Clerk shall issue a subpoena for any witness necessary to present an adequate defense to the pending charge or charges.

The Court further ORDERS that the United States Marshal shall serve any subpoenas presented to him in this case by the office of the Federal Public Defender, and shall pay the appropriate fees and expenses to witnesses so subpoenaed.

Pursuant to 18 U.S.C. section 4247(b), the Court ORDERS the appointment of a mental health examiner of the Respondent's choosing. Pursuant to this section, if the Respondent wishes to request an additional examiner, he shall request such by separate motion to this court.

Any and all future forensic reports, and other such psychological and psychiatric reports or documents relevant to this case, whether such reports are produced by the Federal Bureau of Prisons, independent examiners appointed by order of this Court, or other mental health professionals, shall be filed with this Court under seal, without need of further motion to seal, by either party. Further the Clerk is DIRECTED to permanently seal these reports in accordance with Local Civil Rule 79.2(b), E.D.N.C.

The Court hereby notifies the parties that in light of the provisions of the November 14, 2011, Standing Order, the parties will not be required to conduct an initial scheduling conference pursuant to Fed. R. Civ. P. 26(f).

This ____ day of _____, 2012.

United States District Judge

CERTIFICATION OF A SEXUALLY DANGEROUS PERSON

(1) I, Ivonne E. Bazerman, am Chairperson of the Federal Bureau of Prisons (Bureau) Certification Review Panel, Washington, D.C. Pursuant to 28 C.F.R. § 0.97, the Director of the Bureau has delegated to me the authority to certify persons in Bureau custody as sexually dangerous, as authorized by 18 U.S.C. § 4248.

(2) Bureau records reflect the following: Inmate James Pierro, Register Number 26029-050, is in Bureau custody at the Federal Correctional Institution, Butner, North Carolina, in service of a 120-month term of imprisonment and a three-year term of supervised release, following his conviction for Activities Regarding Material Constituting/Containing Child Pornography, in violation of 18 U.S.C. § 2252A(a)(5)(B) (D. N.J.) (Case No. CR 04-714-01). His projected release date is January 31, 2013.

(3) Based on a review of his Bureau records, I certify he is a sexually dangerous person as defined by 18 U.S.C. § 4247(a)(5), and sexually dangerous to others as defined by 18 U.S.C. § 4247(a)(6). My certification is based on information found in Bureau records which includes, but is not limited to, the following:

(a) He previously engaged or attempted to engage in sexually violent conduct or child molestation as evidenced

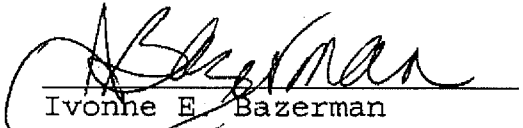
by his prior convictions for: Endangering the Welfare of a Child, Sexual Assault, and Attempted Sexual Assault, in the Superior Court, Bergen County, New Jersey (Indictment No. S-1611-86-01), for photographing a 12-year-old male victim masturbating and engaging in sexual acts with a 13-year-old male victim, and for performing oral sex and attempting to perform anal intercourse on a 13-year-old male victim; and Attempted Abuse/Neglect of a Child, in the Superior Court, Bergen County, New Jersey (Indictment No. 00-04-0669), for distributing flyers purporting to be a photographer and soliciting 14 to 16 year old males to work for him as models;

(b) A psychological review and assessment indicated Axis I diagnoses of Pedophilia, Sexually Attracted to Males, Nonexclusive Type, and Paraphilia Not Otherwise Specified; and an Axis II diagnosis of Personality Disorder Not Otherwise Specified, with Borderline and Antisocial Features;

(c) A review and assessment of him using an actuarial risk assessment instrument (Static-99R) was conducted. This result, in addition to his prior offense conduct, lack of significant positive social influences, intimacy deficits, a history of revocation or failure to meet the stipulations of conditional release, poor sexual self-

regulation, and poor general self-regulation, indicate he will have serious difficulty refraining from sexually violent conduct or child molestation if released.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.


Ivonne E. Bazerman
Chairperson
Certification Review Panel
Federal Bureau of Prisons

2/9/2012
Date